

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ALBANY DIVISION  
AT ALBANY, GEORGIA



**MINUTE SHEET OF SENTENCING HEARING (CONTESTED)**

Date: JULY 26, 2013

***Court Time for MJSTAR/JS10: 4 hrs 50 mins***

Judge: W. LOUIS SANDS

Court Reporter: Darlene Pino

Courtroom Deputy: Joan B. King

Interpreter:

**Case Number: 1:07-CR-18-001 (WLS)**

UNITED STATES OF AMERICA

AUSA: Jim Crane / Sherease Pratt

v.

**FRANK RUSSELL MCCOY**

Counsel: Cynthia Roseberry

Agents/Experts in Attendance: USPO Karon Willis, Staff Attorney JPT

**DISCLAIMER: CONTENTS OF THIS MINUTE SHEET ARE FOR ADMINISTRATIVE PURPOSES ONLY AND ARE NOT MEANT AS A SUBSTITUTION FOR THE OFFICIAL COURT RECORD. ATTORNEYS SHOULD CONTACT THE COURT REPORTER AND ORDER A TRANSCRIPT IF THERE ARE ANY QUESTIONS AS TO THE CONTENTS HEREIN.**

11:17 Convene.

•Objections to PSR were restated/summarized at the request of the Court. The Court heard argument as to objections and as to the cross-reference of the obscenity offense to the child pornography activity.

•Govt Evidence:

James Fottrell – Direct Examination [Witness qualified as an Expert in Computer Forensic]

Govt Exhs 1-8 tendered. Exhs 1 and 2 admitted over objection.

Cross-examination. Witness excused.

Dft advised no further evidence.

•The Court issued its findings. Counsel agreed that all objections had been addressed.

•Govt argument as to sentencing guidelines.

•The Court pronounced its Verdict previously entered: GUILTY Count 1 as charged in the Indictment.

•Dft requested his right to Allocution. The Court heard personal testimony from Dft.

•Dft argument as to sentencing guidelines.

## SENTENCE AND CONDITIONS

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<b>OFFENSE LEVEL:</b> 16	<b>CATEGORY:</b> I	<b>RANGE:</b> 21 - 27	<b>MONTH(S)</b>
<b>IMPRISONMENT:</b> 18	<b>MONTH(S)</b>	<b>SUPERVISED RELEASE:</b> 2	<b>YEAR(S)</b>

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**In Re: COUNT(S) 1 of the Indictment:**

The Court noted its earlier **VERDICT of Guilty on Count 1 of the Indictment entered on March 29, 2013, as a result of a Non-Jury Trial on January 12-13, 2010.**

A **mandatory assessment fee** of \$ 100.00 is to be paid immediately.

**Fine is waived.** It is the Court's judgment that the Dft is unable and not likely to become able to pay all or part of a fine even with the use of a reasonable installment schedule. Therefore, the Court waives fine as well any alternative sanctions in this case.

Dft shall not possess **firearms** or other dangerous weapons.

Dft to cooperate in the collection of **DNA** as directed by the USPO.

Dft shall participate in a **mental health program** as directed by the USPO.

Dft shall not associate with any person under the age of 21 without the presence of an adult over 21 and prior permission of the USPO.

Dft shall not possess or have control of material that contains sexually explicit conduct or child pornography.

Dft shall comply with **LEVEL 3 Restrictions of the Middle District of Georgia's Technology Access Program** under the guidance and supervision of the USPO. A copy of these conditions will be included as an addendum to the Judgment and commitment order.

VOLUNTARY SURRENDER: ☒ Yes \*

APPEAL INFORMATION GIVEN TO: ☒ Atty ☒ Dft

\*The Court advised Dft that his request to voluntarily surrender would be at his own expense. The BOP in Minnesota will direct him when and where to report.

The Court advised that the case would be unsealed, except for those documents that contain obscene material and written stories by Dft, which are to remain under seal.

Written order with the Court's findings to be entered.

5:49 Adjourn.